

REMARKS

Applicant has studied the Office Action dated March 28, 2006, and has made amendments to the claims. Claims 13-16, 18, 20 and 21 are pending. Claim 13 is an independent claim. Claims 13 and 20 have been amended. Claim 19 has been canceled without prejudice. No new matter has been entered. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§ 102 Rejections

Claims 13 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ishizaki et al. ("Ishizaki" U.S. Patent No. 6,044,041). This rejection is respectfully traversed.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

It is respectfully submitted that the present invention integrates a single micro mirror, a focusing lens an SIL and an air-bearing surface to move as one body using a supporting frame. It is respectfully noted that the invention, as recited in independent claim 13, comprises a supporting frame that has **both** an opening for supporting the focusing lens and an opening for supporting the SIL or, in other words, the present invention has two openings to support, respectively, the focusing lens and SIL.

It is respectfully submitted that Ishizaki does not disclose a supporting frame for integrating each component of optical pickup head. It is further respectfully submitted that, although Ishizaki may be considered to implicitly disclose a mirror 69, an object lens 71 and an SIL 72 to be moved as one body, it does not disclose structure of a supporting frame for integrating the mirror 69, the object lens 71, and the SIL 72.

It is respectfully noted that independent claim 13 has been amended with this paper to recite a supporting frame with a first opening having side surface sloped at a fixed angle for supporting the focusing lens, and a second opening for supporting the SIL. It is respectfully submitted that Ishizaki fails to disclose this limitation.

It is respectfully noted that the Examiner indicated, at paragraph 8 on pg. 5 of the Office action, "Ishizaki et al. do not explicitly disclose that the opening comprises a side surface sloped at a fixed angle such that an upper width thereof is greater than a lower width thereof." Therefore, it is respectfully submitted that Ishizaki cannot disclose a supporting frame with **both** a first opening having side surface sloped at a fixed angle for supporting the focusing lens, and a second opening for supporting the SIL.

Therefore, it is respectfully asserted that the invention of independent claim 13 is patentably structurally different from the invention disclosed by Ishizaki and that claim 13 is allowable over the cited reference. It is further respectfully asserted that claim 18, which depends from claim 13, also is allowable over the cited reference.

§ 103 Rejections

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizaki in view of Jerman et al ("Jerman" U.S. Patent No. 6,061,323). This rejection is respectfully traversed.

As previously asserted, independent claim 13 is allowable over Ishizaki. It is respectfully submitted that Jerman fails to cure the deficiencies of Ishizaki with respect to a supporting frame with a first opening having a side surface sloped at a fixed angle for supporting the focusing lens, and a second opening for supporting the SIL. Therefore, it is respectfully asserted that independent claim 13 is allowable over the cited combination of references. It is further respectfully asserted that claims 14 and 15, which depend from claim 13, also are allowable over the cited combination of references.

Claims 16 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizaki and Jerman as applied to claim 15 and further in view of Ohashi et al ("Ohashi" U.S. Patent No. 6,487,224). This rejection is respectfully traversed.

As previously asserted, independent claim 13 is allowable over Ishizaki and Jerman. It is respectfully submitted that Ohashi fails to cure the deficiencies of Ishizaki and Jerman with respect to a supporting frame with a first opening having a side surface sloped at a fixed angle for supporting the focusing lens, and a second opening for supporting the SIL. Therefore, it is respectfully asserted that independent claim 13 is allowable over the cited combination of references. It is further respectfully asserted that claims 16 and 21, which depend from claim 13, also are allowable over the cited reference.

Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizaki in view of Mandella (U.S. Patent No. 6,181,478). This rejection is respectfully traversed.

With this paper, claim 19 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 19 and it is respectfully requested that the rejection be withdrawn.

As previously asserted, independent claim 13 is allowable over Ishizaki. It is respectfully submitted that Mandella fails to cure the deficiencies of Ishizaki with respect to a supporting frame with a first opening having a side surface sloped at a fixed angle for supporting the focusing lens, and a second opening for supporting the SIL.

It is respectfully noted that that Examiner asserts, at paragraph 8 on pg. 5 of the Office action, that FIG. 3B of Mandella discloses "an opening comprising a side surface (62) sloped at a fixed angle such that an upper width thereof is greater than a lower width thereof." However, it is further respectfully noted that the disclosure with respect to FIG. 3B is of only **one** "SIL 60" that has "a tapered portion 62 seated in a support 68." Col. 6, ll. 32-35.

It is respectfully noted that Mandella teaches to "integrate the objective lens and the solid immersion lens" as a single lens. Col. 2, ll. 57-65. On the other hand, and as previously respectfully noted with regard to the section 102 rejection, the present invention is directed to a supporting frame for integrating the components of an optical pickup head to move as one body.

Therefore, it is respectfully submitted that Mandella fails to disclose a supporting frame with a first opening having a side surface sloped at a fixed angle for supporting

the focusing lens, and a second opening for supporting the SIL, as recited in independent claim 13. It is respectfully asserted that independent claim 13 is allowable over the cited combination of references. It is further respectfully asserted that claim 20, which depends from claim 13, also is allowable over the cited combination of references.

CONCLUSION

In view of the above remarks, Applicant submits that claims 13-16, 18, 20 and 21 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Date: July 27, 2006

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